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TRANSCRIPT OF PROCEEDINGS

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Application of  
PINE TREE MEDIA, INCORPORATED  
For Renewal of License of Station KARW  
Longview, Texas

MM DOCKET NO. 93-265  
FCC 95M-41 50797

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DATE OF HEARING: February 28, 1995 VOLUME: 4  
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Court Reporting Depositions  
D.C. Area (301) 261-1902  
Balt. & Annap. (410) 974-0947

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In re Application of :  
: MM Docket No. 93-265  
PINE TREE MEDIA, INCORPORATED : FCC 95M-41 50797  
:  
For Renewal of License of :  
Station KARW :  
Longview, Texas :  
:  
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The above-entitled matter came on for hearing  
conference pursuant to notice before Judge John M.  
Frysiak, Administrative Law Judge, at 2000 L Street,  
N.W., Suite 201, Washington, D.C. in Courtroom Number  
Four on Tuesday, February 28, 1995 at 9:30 a.m.

APPEARANCES:

On behalf of the Mass Media Bureau:

GARY P. SCHONMAN, ESQUIRE  
Federal Communications Commission  
2025 M Street, N.W., Suite 7212  
Washington, D.C. 20554

Hearing Began: 9:30 a.m. Hearing Ended: 9:50 a.m.

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(9:30 a.m.)

P R O C E E D I N G S

JUDGE FRYSIAK: Let me call to order the hearing in the matter of renewal of the license for station KARW-AM, Longview, Texas, Pine Tree Media, Inc., licensee of record. Are there any appearances to be noted?

MR. SCHONMAN: Your Honor, good morning. Gary Schonman on behalf of the Chief, Mass Media Bureau.

JUDGE FRYSIAK: Are there any appearances for Pine Tree Media, Inc.?

(No response.)

JUDGE FRYSIAK: None to be heard. There is some question of whether there is a successor in interest in this proceeding, namely --

MR. SCHONMAN: Praise Media, Inc.

JUDGE FRYSIAK: Praise Media, Inc. Praise Media is represented by a person known as Janet Washington. I received a call this morning at 8:00 from Janet Washington requesting an extension of time to acquire an attorney. Apparently the one that she had acquired three weeks ago, Kenneth Smith, according to Mrs. Washington, resigned -- withdrew as of Sunday and that she hasn't had time to get another attorney.

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1 But then at 8:28 this morning, I received a  
2 call from one Don Grant who says that he's an attorney  
3 representing Praise Media and Janet Washington and that  
4 he said something to the effect that they're trying to  
5 get a financial package together for the purpose either  
6 of pursuing an assignment or for the sale or whatever.

7 I advised Mr. Grant, as I advised Mrs.  
8 Washington, that unless they proceed -- they're willing  
9 and ready to proceed this morning at 9:30 pursuant to  
10 the hearing schedule, that I would have to terminate  
11 this proceeding, it being in existence now since  
12 October of 1993. I wonder whether the Bureau has any  
13 information to add.

14 MR. SCHONMAN: Your Honor, no. In fact, only  
15 to the extent that the Bureau received a call from Ms.  
16 Washington this morning advising that she would not be  
17 appearing here today and that she did not have an  
18 attorney any longer. It appears that you have received  
19 further communication subsequent to mine, so I have  
20 nothing to add. You have the -- you have all the  
21 information before you.

22 JUDGE FRYSIK: And I also noted to Mr. Grant  
23 that there was an outstanding motion from the Bureau to  
24 enlarge issues against Pine Tree Media and that that  
25 motion was ordered by me to be responded to by Mr.

1 | Smith before -- on or before February 21st and, of  
2 | course, I have as yet to receive any filing in that  
3 | regard. How about you?

4 | MR. SCHONMAN: And the Bureau has received no  
5 | response to its motion to enlarge.

6 | JUDGE FRYSIK: So that's -- so in light of  
7 | the situation, I don't think the Commission has any  
8 | choice but to put an end to this proceeding, it being  
9 | in existence a long time, and there's no other way to  
10 | terminate this except by just noting that the parties  
11 | involved, Pine Tree Media, Inc. and possibly Praise  
12 | Media, Inc., have just failed to prosecute whatever  
13 | claim they have against the Commission.

14 | MR. SCHONMAN: That would appear to be the  
15 | case, Your Honor. Certainly Pine Tree Media, Inc. has  
16 | never made an appearance in this proceeding and Praise  
17 | Media, which has entered an appearance, obviously he's  
18 | not here this morning to prosecute the application.

19 | JUDGE FRYSIK: I don't know exactly just  
20 | where does that leave us. Do I simply say that the  
21 | meeting is terminated -- the hearing is terminated or  
22 | do I say that the license is revoked?

23 | MR. SCHONMAN: Your Honor, could we go off  
24 | the record for a minute?

25 | JUDGE FRYSIK: Sure.

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1 (Off the record 9:36 a.m.)

2 (On the record 9:41 a.m.)

3 JUDGE FRYSIAK: I'm trying to determine just  
4 what is the best way to proceed. We have indicated  
5 before that the issues that have been designated in the  
6 Hearing Designation Order have -- are still  
7 outstanding, have not been disposed of. No evidence  
8 has been received, nor any has been offered.

9 And the issues involve the unauthorized  
10 transfer of control from Pine Media -- Pine Tree Media  
11 to whatever successor there might have been. Praise  
12 Media claims to be a successor in interest, but it  
13 hasn't come forward with any indication, at least to  
14 the court -- to this forum, as to what its basis of  
15 understanding is except that they may have bought some  
16 shares in the corporation.

17 MR. SCHONMAN: Your Honor, the parties did  
18 exchange exhibits and on October 11, 1994, the Bureau  
19 was served on Praise Media's former counsel, Alan  
20 Campbell, a list of witnesses whom the Bureau was  
21 noticing for cross examination. So there has been some  
22 expression of interest, of course, by Praise Media.

23 However, at this late date, they've now had,  
24 as I understand it, three counsel of record. The first  
25 one -- the first counsel of record made an appearance

1 early on. That was Kenneth Kilgore, followed by Alan  
2 Campbell, and most recently Kenneth Smith.

3 So the question remains how to proceed from  
4 here with respect to Praise Media and the status of the  
5 license. The Bureau would propose two things, one that  
6 Your Honor issue a ruling on the motion to enlarge  
7 issues which is unopposed as of this date, and perhaps  
8 to issue an order directing Pine Tree Media and any  
9 successors in interest to show cause within then  
10 calendar days why the pending renewal application  
11 should not be dismissed and this proceeding terminated.

12 JUDGE FRYSIK: I'm afraid we've tried to do  
13 that -- the latter suggestion, we've tried to do that  
14 before. If I grant your motion to dismiss -- or rather  
15 if I dismiss -- if I grant your motion to enlarge  
16 issues, it being unopposed, then it would follow that  
17 the renewal application cannot be granted to Pine Tree  
18 Media because the motion is addressed to Pine Tree  
19 Media.

20 But it still leaves me with this problem of  
21 Praise Media who seems to have developed some color of  
22 -- in this proceeding. So maybe the motion to -- order  
23 to show cause addressed to Praise Media might be the  
24 answer.

25 MR. SCHONMAN: Well, Your Honor, I think -- I

1 think any order that Your Honor issues should be  
2 directed to the licensee of record and any entity that  
3 is claiming successor status to Pine Tree Media would  
4 be -- would be put on notice that they have an  
5 obligation to comply with the order. That's been the  
6 case -- the common thread that's run throughout this  
7 case.

8           Certainly we have an address for Mrs.  
9 Washington and we have a post office box address as  
10 well as a street address for the station. Beyond  
11 insuring that Your Honor's order is directed to these  
12 three addresses, Mrs. Washington and the two addresses  
13 for the station, I really don't know what more -- more  
14 can be done to alert -- to alert the licensee of record  
15 and anyone in interest, any successor in interest that  
16 this case is coming down to the wire and that it's time  
17 to bring this case to some sort of finality.

18           Either we try the case and resolve the issues  
19 or terminate the case for failure to prosecute once and  
20 for all. But right now, all we have is an allegation  
21 that Praise Media is the successor in interest. I  
22 think any order that Your Honor issues has to be  
23 directed to the licensee of record. Obviously the  
24 question as to whether Praise Media is the successor in  
25 interest, in fact, is the question hopefully that this



1 hearing would have resolved. But they're not here.  
2 That's the problem.

3 JUDGE FRYSIAK: If I were to consider the  
4 show cause order, I don't accomplish any more than just  
5 giving them an extension of time to -- for a hearing  
6 date.

7 MR. SCHONMAN: That's correct, Your Honor.  
8 It essentially gives them one more opportunity to step  
9 up to the bat and take a swing.

10 JUDGE FRYSIAK: The last time I gave them  
11 three weeks and, of course, that was not enough because  
12 at the last moment, Mr. Smith withdrew. I mean, how  
13 can we put a finality to this? Okay, this is what I'm  
14 going to do. I am going to grant the continuance that  
15 was requested to me, even though I indicated to Mrs.  
16 Washington that there's got to be an end to these  
17 proceedings and that's she's had ample opportunity.

18 But in view of the call I received from Don  
19 Grant, after I talked to Mrs. Washington -- he seemed  
20 to indicate that there is some money, some viability  
21 financially involved here on the part of Praise Media -  
22 - I think that maybe an extension or a continuance  
23 would be in order. So I am going to give them an  
24 extension of another three weeks.

25 I would ask the Bureau to get in touch with

1 Mrs. Washington, even today, to say that although I  
2 have granted an extension, that time is of the essence  
3 and that no further extensions would be granted.

4 MR. SCHONMAN: The Bureau will do that, Your  
5 Honor. Would Your Honor also entertain ruling on the  
6 motion to enlarge issues?

7 JUDGE FRYSIK: Yes. The motion has been  
8 served, filed, and it has been unanswered, unresponded  
9 to, and therefore, the motion -- Mass Media Bureau's  
10 motion dated -- what date is it?

11 MR. SCHONMAN: January 27, 1995.

12 JUDGE FRYSIK: January 27th, and addressed  
13 against Pine Tree Media is granted. All right, we  
14 stand adjourned then until the -- three weeks from now.  
15 What's the date three weeks from now? 21st? It would  
16 be the 21st, right? Today's the last day of the month.  
17 So it would be the 21st of March.

18 MR. SCHONMAN: At 9:30, Your Honor?

19 JUDGE FRYSIK: 9:30 a.m.

20 (Whereupon, at 9:50 a.m. on Tuesday, February  
21 28, 1995, the hearing adjourned.)

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**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

Pine Tree Media, Inc.

**Name**

93-265

**Docket No.**

Washington, D.C.

**Place**

February 28, 1995

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 21 through 29, inclusive, are the true, accurate and complete transcript prepared from the reporting by Marykae Fleishman in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

2/28/95

**Date**

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Free State Reporting, Inc.

2/28/95

**Date**

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